PLANNING COMMISSION AGENDA

Tuesday, January 23, 2024
6:30 PM

Diamond Bar City Hall – Windmill Community Room
21810 Copley Drive, Diamond Bar, CA 91765

PUBLIC ADVISORY:

Members of the public are encouraged to participate and address the Planning Commission during the public comment portion of the meeting either in person or via teleconference.

CHAIR	***WILLIAM RAWLINGS***
VICE CHAIR	***RUBEN TORRES***
COMMISSIONER	***NAILA BARLAS***
COMMISSIONER	***MAHENDRA GARG***
COMMISSIONER	***RAYMOND WOLFE***

How to Observe the Meeting From Home:
Members of the public can observe the meeting by calling (631) 992-3221, Access Code: 956-296-361 or visiting https://attendee.gotowebinar.com/register/8418347443008148825.

How to Submit Public Comment:

> Please note that the meeting will proceed at the Windmill Conference Room should comments by teleconferencing become infeasible due to an Internet or power outage, or due to technical problems outside the City's control. If you wish to make certain that your comments are heard, please attend the meeting in person or send an email by 4:00 p.m. on the day of the meeting/hearing

The public may provide public comment by attending the meeting in person, by sending an email, or by logging into the teleconference. Please send email public comments to Planning@DiamondBarCA.gov by 4:00 p.m. on the day of the meeting and indicate in the Subject Line "FOR PUBLIC COMMENT." Written comments will be distributed to the Planning Commission members and read into the record at the meeting, up to a maximum of five minutes.

Members of the public will be called upon one at a time during the Public Comment portion of the agenda. Speakers are limited to five minutes per agenda item, unless the Chairperson determines otherwise.

American Disability Act Accommodations:
Pursuant to the Executive Order, and in compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission Meeting, please contact the Community Development Office (909) 839-7030 within 72 hours of the meeting. Commission recordings will be available upon request the day following the Planning Commission Meeting.

City of Diamond Bar
Planning Commission

MEETING RULES

PUBLIC INPUT

Members of the public may address the Planning Commission on any item of business on the agenda during the time the item is taken up by the Planning Commission. In addition, members of the public may, during the Public Comment period address the Planning Commission on any Consent Calendar item or any matter not on the agenda and within the Planning Commission's subject matter jurisdiction. Any material to be submitted to the Planning Commission at the meeting should be submitted through the Minutes Secretary.

Speakers are limited to five minutes per agenda item, unless the Chairperson determines otherwise. The Chairperson may adjust this time limit depending on the number of people wishing to speak, the complexity of the matter, the length of the agenda, the hour and any other relevant consideration. Speakers may address the Planning Commission only once on an agenda item, except during public hearings, when the applicant/appellant may be afforded a rebuttal.

Public comments must be directed to the Planning Commission. Behavior that disrupts the orderly conduct of the meeting may result in the speaker being removed from the meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE PLANNING COMMISSION

Agendas for regular Planning Commission meetings are available 72 hours prior to the meeting and are posted in the City's regular posting locations and on the City's website at www.diamondbarca.gov. The Planning Commission may take action on any item listed on the agenda.

Copies of staff reports or other written documentation relating to agenda items are on file in the Planning Division of the Community Development Department, located at 21810 Copley Drive, and are available for public inspection upon request. If you have questions regarding an agenda item, please call (909) 839-7030 during regular business hours.

HELPFUL CONTACT INFORMATION

Copies of Agenda, Rules of the Planning Commission, Recordings of Meetings (909) 839-7030
Email: info@diamondbarca.gov
Website: www.diamondbarca.gov

The City of Diamond Bar thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CITY OF DIAMOND BAR
PLANNING COMMISSION
January 23, 2024

AGENDA

Next Resolution No. 2024-01

CALL TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE:

1. ROLL CALL: COMMISSIONERS: Barlas, Garg, Wolfe, Vice Chair Torres, Chair Rawlings

2. APPROVAL OF AGENDA: Chair

3. PUBLIC COMMENTS:

"Public Comments" is the time reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the Planning Commission on consent calendar items or other matters of interest not on the agenda that are within the subject matter jurisdiction of the Planning Commission. Although the Planning Commission values your comments, pursuant to the Brown Act, members of the Planning Commission or staff may briefly respond to public comments if necessary, but no extended discussion and no action on such matters may take place. There is a five-minute maximum time limit when addressing the Planning Commission. Please complete a speaker card and hand it to the Minutes Secretary (completion of this form is voluntary). The Planning Commission will call on in-person speakers first and then teleconference callers, one at a time to give their name and if there is an agenda item number they wish to speak on before providing their comment. If you wish to speak on a public hearing item or Planning Commission consideration item, you will then be called upon to speak at that point in the agenda.

4. CONSENT CALENDAR:

The following items listed on the consent calendar are considered routine and are approved by a single motion. Consent calendar items may be removed from the agenda by request of the Planning Commission only:

4.1 <u>Minutes of the Planning Commission Regular Meeting</u> – October 24, 2023.

5. OLD BUSINESS: None.

6. NEW BUSINESS: None.

7. PUBLIC HEARING(S):

7.1 **Conditional Use Permit No. PL2023-60** - Under the authority of DBCC Section 22.58, the property owner and applicant are requesting a Conditional Use Permit to operate a dance studio within a 1,242 square-foot tenant suite at Towne Centre Village, a 78,651 square-foot, multi-tenant shopping center. The subject property is zoned Regional Commercial (C-3) with an underlying General Plan land use designation of General Commercial.

PROJECT ADDRESS: 1137 Grand Avenue
Diamond Bar, CA 91765

PROPERTY OWNER: Diamond Bar Grand, LLC
2717 West Coast Highway
Newport Beach, CA 92663

APPLICANT: Anjelica Gacutan-Viloria for Kapiliwaiokeao
1120 Bahia Court, Apt A
Ontario, CA 91762

ENVIRONMENTAL DETERMINATION: The project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the City has determined the project to be Categorically Exempt from the provisions of CEQA pursuant to Article 19 under Section 15301(a) (interior alterations involving such things as interior partitions, plumbing, and electrical conveyances) of the CEQA Guidelines. No further environmental review is required

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit No. PL2023-60 based on the findings of fact, and subject to the conditions of approval as listed within the draft resolution.

8. PLANNING COMMISSION COMMENTS / INFORMATIONAL ITEMS:

9. STAFF COMMENTS / INFORMATIONAL ITEMS:

10. SCHEDULE OF FUTURE EVENTS:

CITY COUNCIL MEETING: Tuesday, February 6, 2024, 6:30 pm
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA

PLANNING COMMISSION MEETING:	Tuesday, February 13, 2024, 6:30 pm Windmill Community Room Diamond Bar City Hall 21801 Copley Drive
PRESIDENTS' DAY HOLIDAY:	Monday, February 19, 2024 In recognition of the holiday, City offices will be closed. City offices will re-open Tuesday, February 20, 2024.
CITY COUNCIL MEETING:	Tuesday, February 20, 2024, 6:30 pm South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA
PLANNING COMMISSION MEETING:	Tuesday, February 27, 2024, 6:30 pm Windmill Community Room Diamond Bar City Hall 21801 Copley Drive

11. ADJOURNMENT

MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
OCTOBER 24, 2023

CALL TO ORDER:

Chair/Rawlings called the meeting to order at 6:44 p.m. in the City Hall Windmill Community Room, 21810 Copley Drive, Diamond Bar, CA 91765. As a result of a comprehensive failure of all audiovisual and internet systems, the public could not participate via the City's teleconferencing platform. Only those present in the Windmill Community Room were able to participate in the meeting.

PLEDGE OF ALLEGIANCE: Commissioner Wolfe led the Pledge of Allegiance.

ROLL CALL: Commissioners Mahendra Garg, Raymond Wolfe, Vice Chair Ruben Torres, and Chair/William Rawlings

Absent: Commissioner Naila Barlas was excused.

Staff Present: Greg Gubman, Community Development Director; James Eggart, Assistant City Attorney (telephonically); May Nakajima, Senior Planner; Dat Tran, Associate Planner; and Stella Marquez, Administrative Coordinator.

2. APPROVAL OF AGENDA: Chair/Rawlings approved the agenda as Submitted.

3. PUBLIC COMMENTS: None Offered.

4. CONSENT CALENDAR:

4.1 Minutes of the August 22, 2023, Regular Planning Commission Meeting.

Chair/Rawlings moved, C/Wolfe seconded, to table the Minutes due to a typographical error (the minutes were dated August 22, 2022). Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Garg, Wolfe, VC/Torres, Chair/Rawlings
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Barlas

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARING(S):

7.1 **Development Review and Tree Permit No. PL2022-112** - Under the authority of DBCC Sections 22.38 and 22.48, the applicant and property owner are requesting Development Review approval to demolish an existing residence and construct a new 9,775 square-foot, three-story, single-family residence with a 1,239 square-foot attached garage, onsite freestanding and retaining walls and fences, a pool, and ancillary accessory structures on a 1.44 gross acre (62,560 gross square-foot) lot. A Tree Permit (TP) is also requested to remove one (1) protected Arroyo Willow and replace at a 3:1 ratio with trees selected from the City's list of protected species. The subject property is zoned Rural Residential (RR) with an underlying General Plan land use designation of Rural Residential.

PROJECT ADDRESS: 1519 Derringer Lane
Diamond Bar, CA 91765

PROPERTY OWNER: Doris Liang
15243 Green Valley Drive
Chino Hills, CA 91709

APPLICANT: David Senft, Architect
5371 Wilshire Boulevard, Suite 205
Los Angeles, CA 90036

AP/Tran presented staff's report and recommended Planning Commission approval of Development Review No. PL2022-112, based on the Findings of Fact, and subject to the Conditions of Approval as listed within the Resolution.

VC/Torres asked what the height difference was between the existing house and the house proposed to replace it. AP/Tran responded that the existing house is two stories, while the new house is proposed to be three stories.

VC/Torres asked how large the willow tree to be removed is, who maintains the replacement trees, and who enforces the maintenance of the replacement trees. AP/Tran responded that the willow has a 9-inch caliper, and that the property owner is responsible for maintaining the replacement trees, but that the City does not actively monitor the maintenance of the trees after they are installed.

VC/Torres asked if alternative designs were considered to build around the tree to avoid its removal. AP/Tran responded no, and also noted that according to the arborist report, the tree is in poor health. However, efforts were made to preserve other healthy trees on the site.

C/Garg asked if the HOA approved the project, to which AP/Tran answered yes.

Chair/Rawlings opened the public hearing.

Joe Plunkett, a resident on Country View Drive, asked two questions: 1) who receives hearing notices for projects such as the one being considered; and 2) what will be the construction time for the proposed residence. He stated that there are construction projects that appear to be indefinitely stalled, and he is concerned about projects never being completed.

Chair/Rawlings closed the public hearing.

CDD/Gubman responded to Mr. Plunkett's questions as follows: Property owners within a 1,000-foot radius of the subject property's parcel boundaries receive notices by mail, which exceeds the State Law minimum requirement of 300 feet. In regards to construction timeframes, that is difficult to answer, because while builders have deadlines to pass a milestone inspection (e.g., foundation, framing, etc.,) every 180 days, the Building Official has the discretion to grant time extensions for good cause. To address the potential public nuisances associated with inactive construction sites, the City has the authority to impose fines and take other legal actions as needed to prevent the accumulation of junk, trash debris and weed growth, and to ensure that erosion and dust control measures are maintained. To mitigate the impacts of long-term construction projects, construction hours are limited to 7 a.m. to 7 p.m., Monday through Saturday.

C/Garg moved, and Chair/Rawlings seconded, to approve Development Review and Tree Permit No. PL2022-112, based on the Findings of Fact and subject to the Conditions of Approval as listed within the Resolution. Motion carried 3-1 by the following Roll Call vote:

AYES:	COMMISSIONERS:	Garg, Wolfe, Chair/Rawlings
NOES:	COMMISSIONERS:	VC/Torres
ABSENT:	COMMISSIONERS:	Barlas

7.2 **Conditional Use Permit No. PL2023-68** - Under the authority of DBCC Section 22.58, the property owner and applicant are requesting a Conditional Use Permit to operate a dance studio at a 1,000 square-foot lease space at an existing 38,884 square-foot multi-tenant shopping center. The subject property is zoned Community Commercial (C-2) with an underlying General Plan land use designation of General Commercial.

PROJECT ADDRESS:	20627 Golden Springs Drive, Unit 2B Diamond Bar, CA 91789
PROPERTY OWNER:	KNL Associates 3055 Wilshire Blvd. #405 Los Angeles, CA 90010
APPLICANT:	Kylie Zheng for 2Plus Dance Studio 20627 Golden Springs Drive, Unit 2B Diamond Bar, CA 91789

At C/Wolfe's suggestion, Chair/Rawlings waived the presentation of the staff report.

Chair/Rawlings opened the public hearing.

No public comments were received.

Chair/Rawlings closed the public hearing.

C/Wolfe moved, and VC/Torres seconded, to approve Conditional Use Permit No. PL2023-68, based on the Findings of Fact and subject to the Conditions of Approval as listed within the Resolution. Motion carried 4-0 by the following Roll Call vote:

AYES:	COMMISSIONERS:	Garg, Wolfe, VC/Torres, Chair/Rawlings
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Barlas

8. PLANNING COMMISSION COMMENTS/INFORMATION ITEMS:

In light of the persistent technical issues C/Wolfe requested that persons with the requisite training to resolve such issues be present at upcoming meetings.

9. STAFF COMMENTS/INFORMATIONAL ITEMS:

CDD/Gubman reported that no meetings prior to November 28, 2023, will be scheduled, and that it is more likely that the next meeting will be held on December 12, 2023.

10. SCHEDULE OF FUTURE EVENTS:

As noted in the agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chair/Rawlings adjourned the Regular Planning Commission meeting at 7:10 p.m.

The foregoing minutes are hereby approved this _____ day of _____, 2023.

Attest:
Respectfully Submitted,

_____
Greg Gubman, Community Development Director

_____
William Rawlings, Chairman

PLANNING COMMISSION
AGENDA REPORT

CITY OF DIAMOND BAR ~ 21810 COPLEY DRIVE ~ DIAMOND BAR, CA 91765 ~ TEL. (909) 839-7030 ~ FAX (909) 861-3117

AGENDA ITEM NUMBER:	**7.1**
MEETING DATE:	January 23, 2024
CASE/FILE NUMBER:	Conditional Use Permit No. PL2023-60
PROJECT LOCATION:	1137 Grand Avenue Diamond Bar, CA 91765 (APN 8293-044-019)
GENERAL PLAN DESIGNATION:	General Commercial
ZONING DISTRICT:	Regional Commercial (C-3)
PROPERTY OWNER:	Diamond Bar Grand, LLC 2717 West Coast Highway Newport Beach, CA 92663
APPLICANT:	Anjelica Gacutan-Viloria Kapiliwaiokeao 1120 Bahia Court, Apt A Ontario, CA 91762

SUMMARY:

The applicant, Anjelica Gacutan-Viloria on behalf of Kapiliwaiokeao, is requesting approval for a Conditional Use Permit (CUP) to operate a dance studio within a 1,242 square-foot tenant suite at Towne Centre Village, a 78,881 square-foot, multi-tenant shopping center.

RECOMMENDATION:

Adopt the attached Resolution (Attachment A) approving Conditional Use Permit No. PL2023-60, based on the findings of Diamond Bar City Code (DBCC) Section 22.58, subject to conditions.

BACKGROUND:

Towne Centre Village is located at the southwest corner of Diamond Bar Boulevard and Grand Avenue. The shopping center is anchored by the Albertsons supermarket and includes tenants such as retail, restaurants, personal services, professional and medical offices, a veterinary clinic, a bank and a martial arts studio. The subject property is comprised of five parcels totaling approximately 6.88 acres, with shared parking and access through a reciprocal parking agreement. Four points of ingress/egress, two along the southbound direction of Diamond Bar Boulevard and two along the eastbound direction of Grand Avenue, provide access to the site. The parking lot has 290 parking stalls and adequate exterior lighting throughout the property to serve patrons and visitors.

The shopping center is comprised of five attached buildings arranged in an “L” configuration, as well as the freestanding US Bank building situated at the corner of Grand Avenue and Diamond Bar Boulevard.

Kapiliwaiokeao is proposing to occupy a 1,242 square-foot vacant space along the north side of the Albertsons building. The suite's entrance faces Grand Avenue and is positioned between existing businesses Round Table Pizza and Xavier’s Florist. Previously, an Allstate Insurance office occupied the suite.

Site and Surrounding General Plan, Zoning and Land Uses

The following table describes the surrounding land uses located adjacent to the subject parcel and tenant suite:

	General Plan Designation	Zoning District	Land Use
Site	**General Commercial**	**Regional Commercial C-3**	**Commercial Shopping Center (Retail, Restaurant, Service)**
North	General Commercial (C)	Regional Commercial C-3	Commercial Shopping Center (Retail, Restaurant, Service)
South	General Commercial (C)	Regional Commercial C-3	Commercial Shopping Center (Retail, Restaurant, Service)
East	General Commercial (C)	Regional Commercial C-3	Commercial Shopping Center (Retail, Restaurant, Service)
West	General Commercial (C)	Regional Commercial C-3	Commercial Shopping Center (Retail, Restaurant, Service)

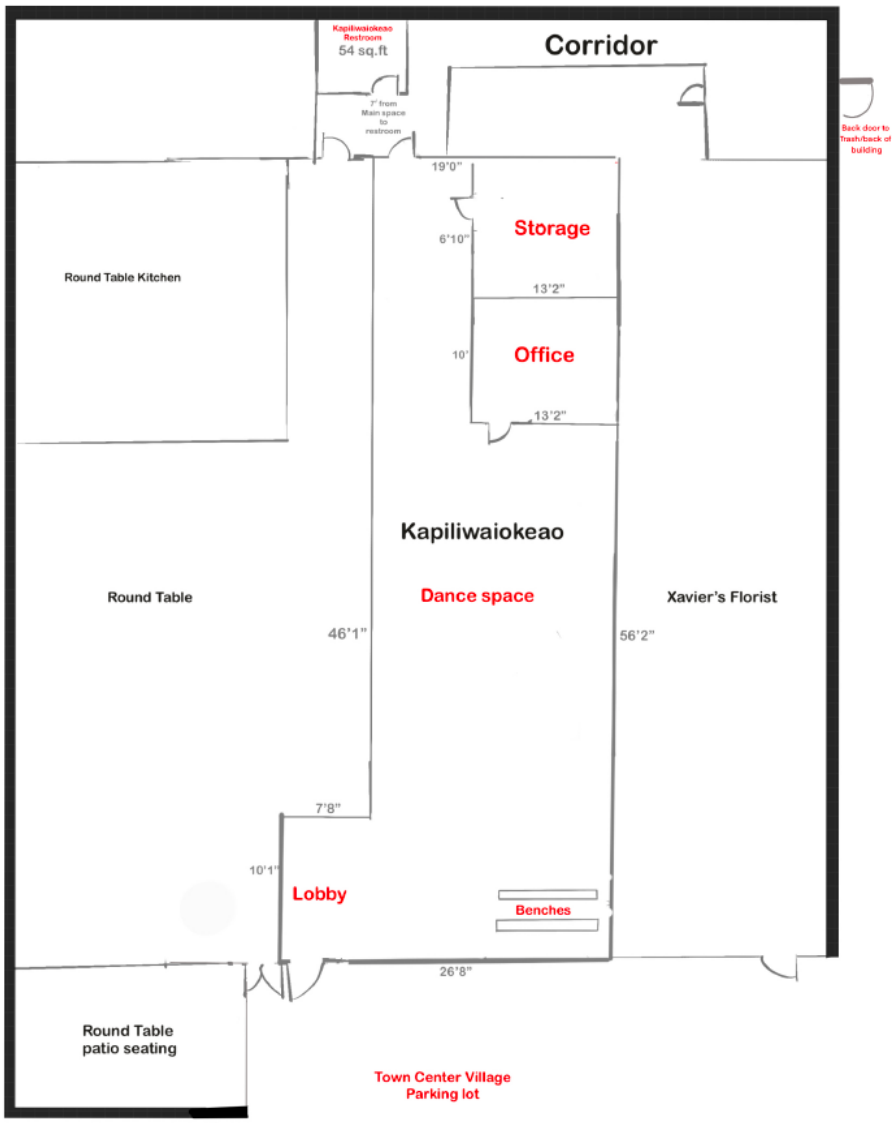
Site (Plan View) Aerial

Storefront of Proposed Tenant Lease Space

Project Description

Kapiliwaiokeao is a dance studio providing traditional and contemporary Hawaiian-style dance classes. The proposed facility would include the following spaces:

- Front lobby and seating area
- Open dance floor
- Office space for staff
- Storage room for cleaning supplies and miscellaneous dance supplies
- Restroom (located outside the unit, but for Kapiliwaiokeao's exclusive use)



Proposed Floor Plan

Kapiliwaiokeao hosts both group classes and 1:1 training sessions. Classes are organized by age groups, with separate sessions for ages 3-5, 6-12, and 13+. Each class is led by a maximum of two instructors, facilitating up to 15 students. Parents and guardians are permitted to stay in the facility during class time, on the bench seating provided in the lobby area.

The applicant is proposing to host classes five days a week, from Monday through Thursday and Saturdays. While class hours vary daily, they are scheduled between 9:00 am and 7:00 pm from Monday to Thursday, and from 9:00 am to 1:00 pm on Saturdays. The following table describes the proposed class schedule, which are subject to change based on scheduling, class types and demand.

Proposed Class Schedule

ANALYSIS:

Review Authority (DBCC Section 22.58)

A CUP is required for uses where the effect on the surrounding area cannot be determined before being analyzed for suitability at a particular location.

When reviewing a CUP, consideration is given to the location, design, configuration, operational characteristics and potential impacts to determine whether or not the proposed use will pose a detriment to the public health, safety and welfare. If it can be found that the proposed use is likely to be compatible with its surroundings, the Commission may approve the proposed use subject to conditions stipulating the manner in which the use must be conducted. If the Commission finds that the proposed use is likely to be detrimental to the general peace, health and general welfare, then it must deny the request.

When a CUP is approved, it runs with the land and all conditions placed on the CUP are binding on all successors in interest. In other words, if the owner were to close the business, a new tenant could locate in the space and operate the same type of business. The new tenant would be required to comply with the same conditions as the

previous tenant and would not be permitted to expand the business without full review and approval by the Planning Commission.

Required Parking

Shopping centers over 50,000 square feet in size are required to provide one parking space for every 300 square feet of gross floor area. Towne Centre Village consists of approximately 78,881 square feet of space. Although the various buildings in the shopping center are located on separately-owned parcels, all parcels fall under a single shared parking arrangement. The parking requirements for businesses approved under a CUP (e.g., fitness centers, schools, tutoring, etc.,) are calculated separately.

The shopping center provides 290 on-site parking spaces. The parking required for the current mix of uses within the center, excluding the proposed dance studio is 263 spaces. The parking requirement for the proposed dance studio is 10 spaces. Consequently, the overall on-site parking requirement for the shopping center would be 273 spaces. This results in a surplus of 17 spaces, in compliance with the Development Code requirements. The following table provides a summary of the parking requirements for the shopping center:

City's Development Code Parking Requirement

Use	Square Feet	Parking Ratio	Parking Required	Parking Provided
Shopping Center	75,779	1/300 sq. ft.	253	
Gracie Barra Jiu-Jitsu Studio	1,860	Max 10 people at the location at any one time (per CUP)	10	
Kapiliwaiokeao	1,242 SF	1/150 sq. ft. + 1 per employee	10	
Total	**78,881**		**273**	**290**

Parking Demand

When assessing parking impacts on shopping centers, the various uses and peak business hours for those uses are taken into consideration. The existing shopping center has uses ranging from retail, restaurants, medical and professional offices, personal services, a veterinary clinic, a bank and a martial arts studio. The varying uses result in a range of peak business hours and parking demands. The peak parking demand typically occurs on weekdays from 9:00 a.m. to 6:00 p.m. for commercial shopping centers. The dance studio will operate during these peak parking demand

times, on Mondays through Thursdays. However, there are typically only four hours of classes a day, with a maximum class size of 17 total (comprising of 15 students and two teachers). Furthermore, a condition of approval requiring a 10-minute interval between the commencement and conclusion of class times is included to stagger the arrival and departure of students (Condition of Approval #5). As a result, there will be limited demand for parking during the studio's operating hours.

As the center has 290 parking spaces available, there would still be a surplus of 10 parking spaces under this parking demand scenario.

Parking Demand

Use	Square Feet	Parking Ratio	Parking Required	Parking Provided
Shopping Center	75,779	Per Code	253	
Gracie Barra Jiu-Jitsu Studio	1,860	Max 10 people at the location at any one time (per CUP)	10	
Kapiliwaiokeao	1,242 SF	Max 15 students and 2 teachers at any one time	17	
Total	**78,881**		**280**	**290**

Staff does not foresee any parking issues resulting from the proposed use. The existing parking supply is adequate and can accommodate the proposed dance studio use. In addition, the proposed dance studio will not add square footage to the existing building.

Compatibility with Neighborhood

Towne Centre Village is surrounded by commercial establishments to the north, south, and east, with residential condominiums adjacent to the west (rear) of the property. The shopping center hosts diverse uses, including retail, restaurants, medical and professional offices, personal services, a veterinary clinic, a bank and a martial arts studio.

Given the proposed hours of operation, the availability of parking, and the diversity of uses, the proposed dance studio is expected to be a compatible use at this location. The proposed use is consistent with the current zoning designation of Regional Commercial (C-3).

Noise: Dance classes will include background music. Music is generally played at low to moderate volumes during classes and is expected to comply with City of Diamond

Bar's noise standards, and the applicant expressed an intent to be mindful of the neighboring businesses and immediate surroundings. In addition, staff contacted the adjacent tenants to inform them of the proposed dance studio and its potential noise impacts. Both tenants indicated that they have no issues as long as the tenant abides by the noise ordinance.

However, once the dance studio is in operation, and should noise, traffic and/or parking issues arise, the Community Development Director, after providing the applicant a reasonable opportunity to mitigate the impact(s) to an acceptable level, may refer the matter back to the Planning Commission to consider amending or revoking the CUP to address such impacts (Condition of Approval #4).

Additional Review

The Building and Safety Division reviewed this project, and provided conditions of approval for inclusion in the attached resolution.

NOTICE OF PUBLIC HEARING:

On January 12, 2024, public hearing notices were mailed to property owners within a 700-foot radius of the project site. On January 12, 2024, the notice was published in the *San Gabriel Valley Tribune* newspaper; the project site was posted with a notice display board; and a copy of the public notice was posted at the City's designated community posting sites.

Public Comments Received

No comments have been received as of the publication date of this report.

ENVIRONMENTAL ASSESSMENT:

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The scope of the project is for the review of a proposed land use in an existing building. No changes are proposed to the design or square footage of the building or shopping center, except for future interior tenant improvements. Based on that assessment, the City has determined the project to be Categorically Exempt from the provisions of CEQA pursuant to the provisions of Article 19 Section 15301(a) (Interior alterations involving partitions and electrical conveyances) of the CEQA Guidelines. No further environmental review is required.

PREPARED BY:

Dat Tran, Associate Planner 1/23/2024

REVIEWED BY:

Grace Lee, Senior Planner 1/10/2024

Greg Gubman, Community Development Director 1/17/2024

Attachments:

A. Draft Resolution and Conditions of Approval
B. Site Plan and Floor Plan

PLANNING COMMISSION
RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT NO. PL2023-60 TO OPERATE A HAWAIIAN DANCE STUDIO WITHIN A 1,242 SQUARE-FOOT TENANT SPACE LOCATED AT 1137 GRAND AVENUE, DIAMOND BAR, CA (APN 8293-044-019).

A. RECITALS

1. Property owner, Diamond Bar Grand, LLC, and applicant, Anjelica Gacutan-Viloria on behalf of Kapiliwaiokeao, have filed an application for Conditional Use Permit No. PL2023-60 to operate a Hawaiian dance studio in a 1,242 square-foot tenant space within an existing shopping center. The project site is more specifically described as 1137 Grand Avenue, Diamond Bar, Los Angeles County, California. Hereinafter in this resolution, the subject Conditional Use Permit shall collectively be referred to as the "Project" or "Proposed Use."

2. The subject property consists of a 0.66 acre parcel within a 6.88-acre shopping center, is located in the Regional Commercial (C-3) zone with a General Plan land use designation of General Commercial.

3. The legal description of the subject property is Lot 2 of Tract Map No. 40972 and the Assessor's Parcel Number is 8293-044-019.

4. On January 12, 2024, notification of the public hearing for this project was published in the *San Gabriel Valley Tribune* newspaper. On January 12, 2024, public hearing notices were mailed to property owners within a 700-foot radius of the Project site and posted at the City's designated community posting sites.

5. On January 23, 2024, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date.

B. RESOLUTION

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Diamond Bar as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. The Planning Commission hereby determines the Project to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the provisions of Article 19, Section 15301(a) (Interior alterations involving partitions and electrical conveyances) of the CEQA Guidelines. Therefore, no further environmental review is required.

C. FINDINGS OF FACT

Based on the findings and conclusions set forth herein and as prescribed under Diamond Bar City Code (DBCC) Section 22.58, the Planning Commission hereby finds and approves as follows:

Conditional Use Permit Review Findings (DBCC Section 22.58)

1. The Proposed Use is allowed within the subject zoning district with the approval of a conditional use permit and complies with all other applicable provisions of this Development Code and the City Code.

   Pursuant to DBCC Section 22.10.030 Table 2-6, studios for art, dance, music, photography, etc., as defined by DBCC Section 22.80.020, are permitted in the C-3 zoning district with approval of a conditional use permit. The proposed dance studio will be located in a tenant space within Towne Center Village, an existing shopping center. Through compliance with the conditions of approval stipulating the manner in which the use must be conducted, the Proposed Use will be compatible with neighboring uses in the commercial center and surrounding neighborhood.

2. The Proposed Use is consistent with the general plan and any applicable specific plan.

   The Proposed Use is consistent with General Plan Goal LU-G-11: ("Support existing commercial centers by encouraging ongoing investment and, where appropriate, reuse and redevelopment") in that the Proposed Use will occupy an existing tenant space.

   The Proposed Use is consistent with General Plan Goal ED-G-3: ("Support the retention, rehabilitation, and/or expansion of existing businesses, and the attraction of new businesses") in that the Proposed Use is a new business locating within an existing shopping center.

   The Project site is not subject to the provisions of any specific plan.

3. The design, location, size and operating characteristics of the Proposed Use are compatible with the existing and future land uses in the vicinity.

   The Proposed Use will be located within an existing tenant space within a 78,881 square-foot, multi-tenant commercial shopping center occupied by various retail, restaurants, office, and service uses. The Proposed Use complies with the City's Development Code parking requirements, and the parking demand generated by the Proposed Use is not likely to exceed the number of on-premise parking spaces available to serve the Proposed Use at any given time. The Proposed Use will operate from Monday through Thursday from 9 a.m. to 7 p.m., and Saturday from 9 a.m. to 1 p.m.

   Dance classes will include background music. Music is generally played at low to moderate volumes during classes and is expected to comply with City of Diamond

Bar's noise standards. Therefore, noise generated by the Proposed Use would likely be negligible, and not be a nuisance to the adjacent businesses or immediate surroundings.

Through compliance with the conditions of approval stipulating the manner in which the use must be conducted, the Proposed Use will be compatible with the other uses within the commercial building and surrounding neighborhood.

4. The subject site is physically suitable for the type and density/intensity of use being proposed, including access, provision of utilities, compatibility with adjoining land uses, and the absence of physical constraints.

The Proposed Use is physically suitable within the subject site because it will be located in an existing vacant tenant space within an existing commercial building, and no additional square footage is being proposed. In addition, the Proposed Use will be using existing access and parking. Towne Centre Village provides 290 on-site parking spaces shared by all tenants and patrons of the shopping center based on an existing reciprocal parking agreement. The parking required for the current mix of uses within the center, minus the Proposed Use, is 263 spaces. The parking requirement for the Proposed Use is 10 spaces. The total off-street parking requirement for the shopping center would thus be 273 spaces, leaving a surplus of 17 spaces based on Development Code requirements. Therefore, the existing parking supply would accommodate existing uses and the Proposed Use.

Given the proposed hours of operation, the overall parking demands, and the types of adjoining uses, it is reasonable to conclude that the Proposed Use will be compatible with the other uses in the commercial center and neighborhood.

The Proposed Use is physically suitable at the subject site because it is operating within an existing commercial shopping center and will be using existing access and parking in the center.

5. Granting the conditional use permit will not be detrimental to the public interest, health, safety, convenience, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Prior to the issuance of any City permits, the Project is required to comply with all conditions of approval within this Resolution, and all applicable provisions of the latest edition of the California Building Code and local amendments thereto.

6. The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

The proposed use is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as set forth under Article 19 Section 15301(a) (Interior alterations involving partitions and electrical conveyances) of the CEQA Guidelines.

D. CONDITIONS OF APPROVAL

Based upon the findings and conclusion set forth above, the Planning Commission hereby approves Conditional Use Permit No. PL2023-60, subject to the following conditions:

1. This approval is for the operation of a Hawaiian dance studio in a 1,242 square-foot tenant space located an existing shopping center as described in the application on file with the Planning Division, the Planning Commission staff report for Conditional Use Permit No. PL2023-60 dated January 23, 2024, and the Planning Commission minutes pertaining thereto, hereafter referred to as the "Use."

2. The Use shall substantially conform to the approved plans as submitted and approved by the Planning Commission and on file with the Community Development Department.

3. This Conditional Use Permit shall be valid only for 1137 Grand Avenue, as depicted on the approved plans on file with the Planning Division. Prior to relocating or expanding the Use into other tenant spaces, the applicant shall first apply for and receive approval of an amended Conditional Use Permit.

4. If, at any time, the City finds that the Use is the cause of a parking deficiency, noise nuisance, or other land use impact, within or beyond the subject property boundaries, the Community Development Director, after providing the entitlement holder a reasonable opportunity to mitigate the impact(s) to an acceptable level, may refer the matter back to the Planning Commission to consider amending or revoking this Conditional Use Permit to address such impacts.

5. A 10-minute gap shall be maintained between scheduled classes to facilitate the staggered/separate arrival and departure of students.

6. No changes to the approved scope of services comprising the Use shall be permitted unless the applicant first applies for an amendment to this Conditional Use Permit, pays all application processing fees and receives approval from the Planning Commission, except that the Community Development Director may administratively approve minor modifications to the use if it is determined.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

(b) Forthwith transmit a certified copy of this Resolution, by certified mail to the property owner, Diamond Bar Grand, LLC, 2717 West Coast Highway, Newport Beach, CA 92663; and applicant, Anjelica Gacutan-Viloria on behalf of Kapiliwaiokeao, 1120 Bahia Court, Apt A, Ontario, CA 91762.

APPROVED AND ADOPTED THIS 23RD DAY OF JANUARY, 2024, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
William Rawlings, Chairperson

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 23rd day of January, 2024, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

COMMUNITY DEVELOPMENT DEPARTMENT

STANDARD CONDITIONS

USE PERMITS, COMMERCIAL AND RESIDENTIAL NEW AND REMODELED STRUCTURES

PROJECT #: **Conditional Use Permit No. PL2023-60**

SUBJECT: **To operate a Hawaiian dance studio at a 1,242 square-foot vacant space within an existing multi-tenant commercial building**

PROPERTY OWNER(S): **Diamond Bar Grand, LLC**
2717 West Coast Highway
Newport Beach, CA 92663

APPLICANT: **Anjelica Gacutan-Viloria Kapiliwaiokeao**
1120 Bahia Court, Apt A
Ontario, CA 91762

LOCATION: **1137 Grand Avenue**
Diamond Bar, CA 91765

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT.

APPLICANT SHALL CONTACT THE PLANNING DIVISION AT (909) 839-7030, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. GENERAL REQUIREMENTS

1. The applicant shall defend, indemnify, and hold harmless the City, and its officers, agents and employees, from any claim, action, or proceeding to attack, set-aside, void, or annul the approval of Conditional Use Permit No. PL2023-60 brought within the time period provided by Government Code Section 66499.37. In the event the city and/or its officers, agents and employees are made a party of any such action:

(a) Applicant shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorney fees, incurred in defense of such claims.

(b) Applicant shall promptly pay any final judgment rendered against the City defendants. The City shall promptly notify the applicant of any claim, action of proceeding, and shall cooperate fully in the defense thereof.

2. This approval shall not be effective for any purpose until:

(a) The applicant and property owner have each filed with the Community Development Department an affidavit stating that they are aware of and agree to accept all of the conditions of approval contained herein; and

(b) All remaining application processing fees have been paid in full.

3. The business owners and all designers, architects, engineers, and contractors associated with this project shall obtain a Diamond Bar Business License for those businesses located in Diamond Bar.

4. The project site shall be maintained and operated in full compliance with the conditions of approval and all laws, or other applicable regulations.

5. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and any applicable Specific Plan in effect at the time of building permit issuance.

6. To ensure compliance with all conditions of approval and applicable codes, the Conditional Use Permit shall be subject to periodic review. If non-compliance with conditions of approval occurs, the Planning Commission may review the Conditional Use Permit. The Commission may revoke or modify the Conditional Use Permit.

7. Property owner/applicant shall remove the public hearing notice board within three (3) days of this project's approval.

8. The applicant shall comply with the requirements of City Planning, Building and Safety Divisions, Public Works Department, and the Fire Department.

B. FEES/DEPOSITS

1. Applicant shall pay development fees (including but not limited to Planning, Building and Safety Divisions, and Public Works Department) at the established rates, prior to issuance of building permits, as required by the City. School fees as required shall be paid prior to the issuance of building permit. In addition, the applicant shall pay all remaining prorated City project review and processing fees prior to issuance of grading or building permit, whichever comes first.

2. Prior to any plan check, all deposit accounts for the processing of this project shall have no deficits.

C. TIME LIMITS

1. The approval of Conditional Use Permit No. PL2023-60 shall expire within one (1) year from the date of approval if the use has not been exercised as defined pursuant to DBCC Section 22.66.050 (b)(1). The applicant may request in writing a one-year time extension subject to DBCC Section 22.60.050(c) for Planning Commission review and approval.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (909) 839-7020, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Conditions:

1. The occupant load shall be limited to 20 total occupants.

2. The proposed use shall have sole and exclusive access to the corridor restroom. Other tenants are not permitted access into the restroom.

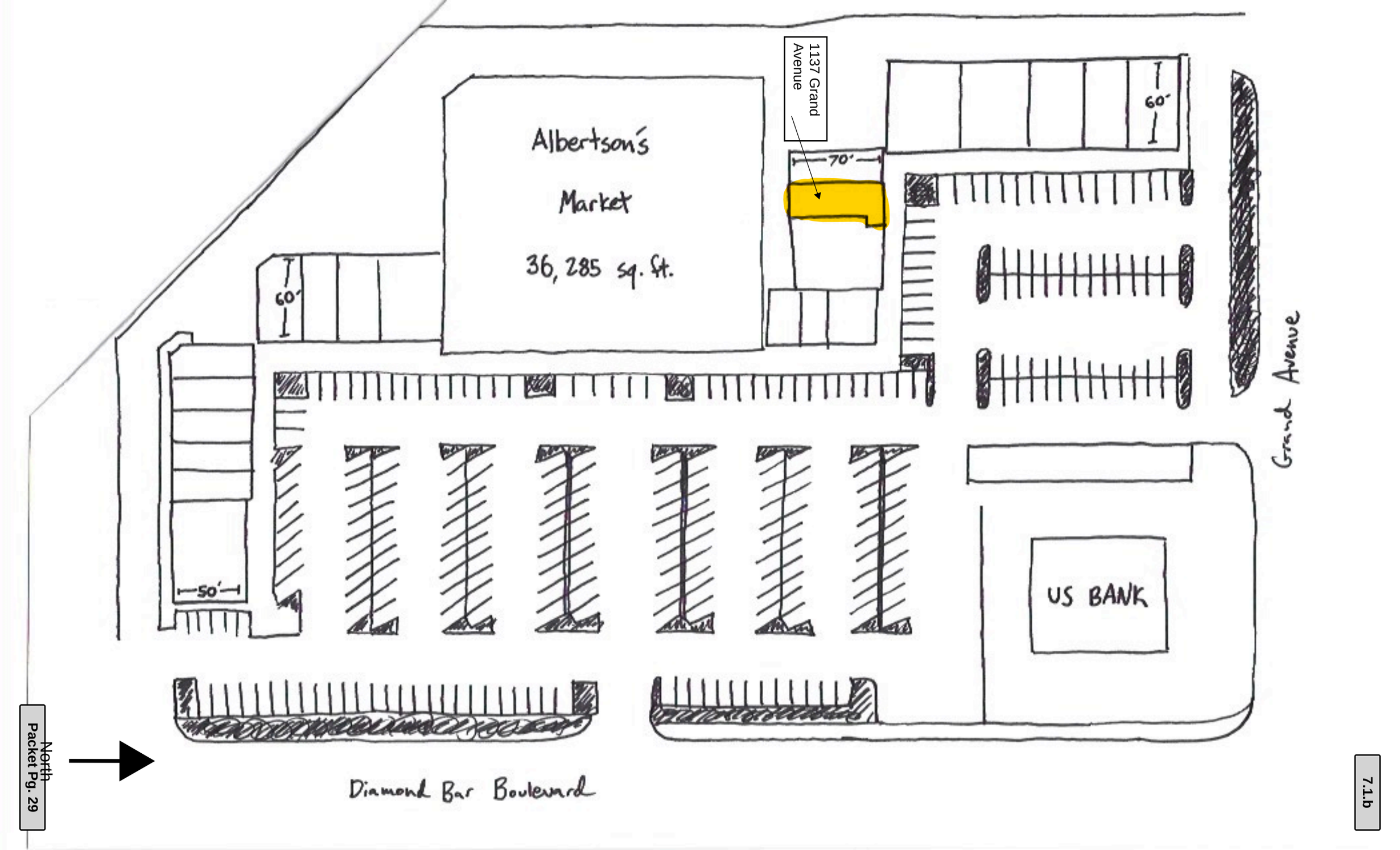
3. The rear exit shall remain unobstructed.

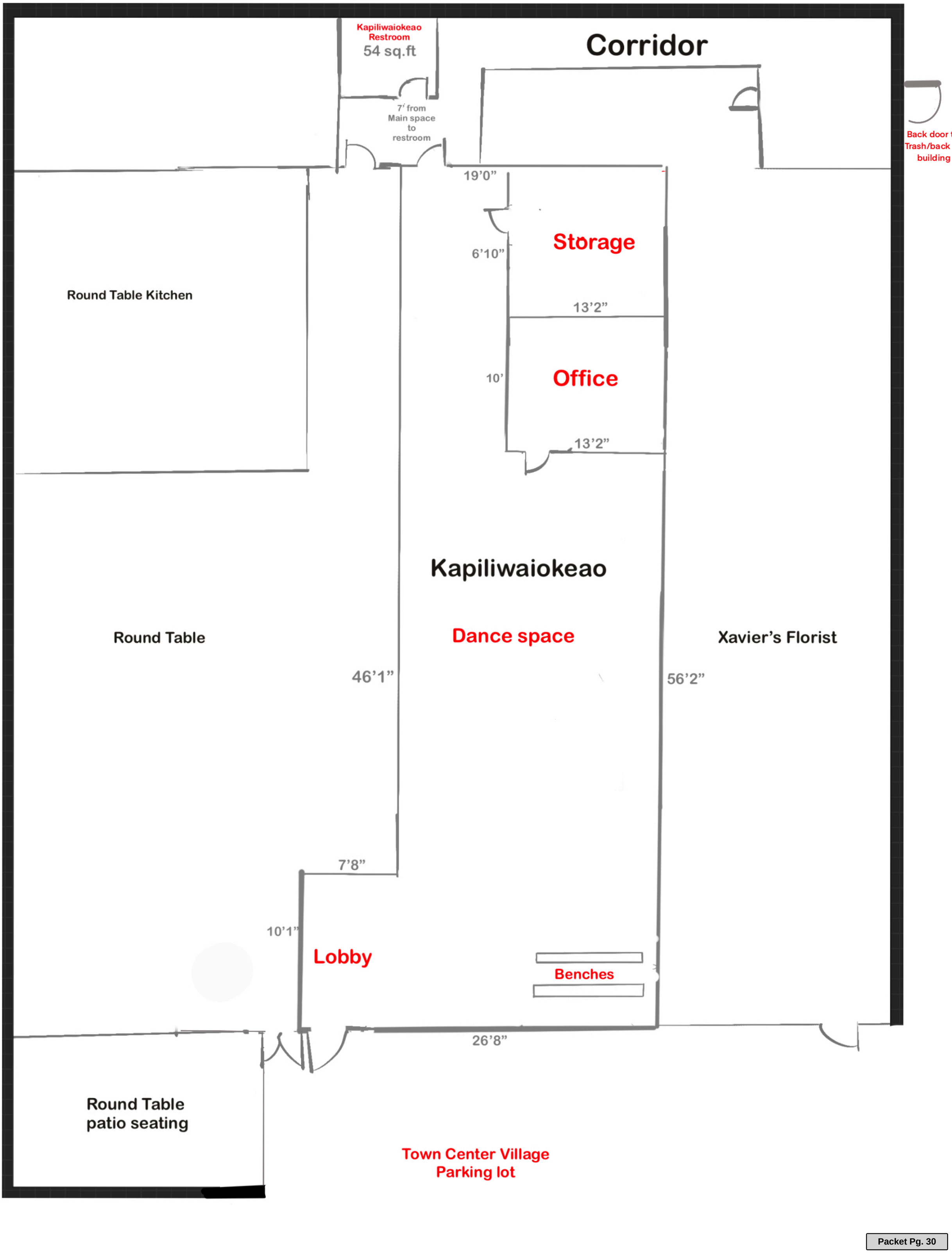
4. Where work requires permits, plans and construction shall conform to current State and Local Building Code requirements and all other applicable construction codes, ordinances and regulations in effect at plan check submittal.

5. Existing or new work shall comply with the current or upgraded American Disability Act (ADA) standards based on readily achievable standards.

6. Separate permits shall be required for all wall and monument signs.

END


1137 Grand Avenue
Albertson's
Market
36, 285 sq. ft.
70'
60'
60'
50'
Grand Avenue
US BANK
Diamond Bar Boulevard


Kapiliwaiokeao Restroom
54 sq.ft
7' from Main space to restroom
Corridor
Back door to Trash/back of building
19'0"
Storage
6'10"
13'2"
Office
10'
13'2"
Round Table Kitchen
Kapiliwaiokeao
Round Table
Dance space
Xavier's Florist
46'1"
56'2"
7'8"
10'1"
Lobby
Benches
26'8"
Round Table patio seating
Town Center Village Parking lot

Project Status Report
January 23, 2024

CITY OF DIAMOND BAR
COMMUNITY DEVELOPMENT DEPARTMENT

PROPERTY LOCATION

PLANNING COMMISSION REVIEW	File #	AP	Applicant	PC 1/23/24	CC 2/1/24	PC 2/13/24	CC 2/20/24	PC 2/27/24	CC 3/5/24
1137 Grand Avenue (Dance studio)	CUP PL2023-60	DT	Anjelica Gacutan-Viloria	PH					
915 Pantera Drive (Addition and remodel to single-family residence)	DR PL2023-66	DT	Walt Patroske			PH			
SB 1186 Ordinance	MCA PL2024-3	MN					PH		

ADMINISTRATIVE REVIEW

Property Location		AP	Applicant		
None					

PENDING ITEMS

Property Location	File #	AP	Applicant	Status
1198 Chisolm Trail Dr. (New single-family residence)	DR PL2021-51	DT	Michael Wu	Under Review
1200 Chisolm Trail Dr. (New single-family residence)	DR PL2023-5	DT	James Coane	Third incomplete letter sent 10/30/23 – waiting for additional information
2725 Clear Creek (New Single-Family Residence)	DR PL2022-74	DT	Diane Shi	Second incomplete letter sent 11/30/23 – waiting for additional information
2001 Derringer Lane (2-lot subdivision)	TPM 83036 PL2021-46	MN	Gurbachan S. Juneja	Fourth incomplete letter sent 8/25/2023 – waiting for additional information
Gentle Springs Ln. and S. Prospectors Rd.	GPA, ZC, VTTM, DR PL2021-23	GL	Tranquil Garden LLC	First incomplete letter sent 4/16/21 – waiting for additional information
2330 Indian Creek Rd. (New single-family residence)	DR TP PL2023-53	MN	Michael Wang	Under Review
22909 Lazy Trail Rd. (Addition and remodel to single family residence)	DR, MCUP PL2021-05	DT	Walt Patroske	Under Review
24167 Lodge Pole Road (Addition to single family residence)	DR PL2023-10	DT	Soledad Corona	Third incomplete letter sent 12/20/23 – waiting for additional information

LEGEND
PH = PUBLIC HEARING
AP = ASSIGNED PLANNER
PC = PLANNING COMMISSION
CC = CITY COUNCIL

PENDING ITEMS (continued)

Property Location	File #	AP	Applicant	Status
1829 Los Cerros Drive (Addition and remodel to single-family residence)	DR PL2023-46	DT	Patrick O'Donnell	First incomplete letter sent 7/12/23 - waiting for additional information
2235 Morning Canyon Rd. (20-unit condos)	TTM 83836, DR, TP PL2022-89	MN	Samir M. Khoury	Second Incomplete Letter Sent 04/28/23 – waiting for additional information
23901 Ridge Line (2-lot Subdivision)	TPM PL2022-119	DT	Pete Volbeda	Second incomplete letter sent 12/5/23 – waiting for additional information
Development Code Amendment (Code cleanup)	DCA PL2022-59	MN/GL	City of Diamond Bar	Under Review
Supportive Housing, Low Barrier Navigation Centers and Large Residential Care Facilities (Development Code Amendment)	DCA PL2023-38	GL	City of Diamond Bar	Under Review
SB9 Ordinance	DCA PL2019-43	MN	City of Diamond Bar	Under Review
Walnut Valley Unified School District (Billboard Ordinance)	DCA PL2021-43	DT/GL	WVUSD	Under Review